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tradition of statecraft as his own; on the other hand, the "infallibility" of that system had been successfully assailed, and his enemies were not slow to take their advantage. In short the incident facilitated the dismissal of Bismarck a year later.

M. Welschinger has used the standard lives of the emperor, and quotes at some length, but foot-notes and references are generally lacking. He makes a curious slip in the opening paragraph when he calls his hero the nephew of Frederick William III., who is described as childless. The style is often impassioned, as the author grows indignant over the policies of William II. and the conduct of the Germans in the present war, both of which are repeatedly contrasted with the liberal and humane ideas of Frederick III. Taken as a whole, the narrative selections provide a useful and adequate biography of a very sympathetic figure.

There are ten appendixes, of which the first is a summary of *The Empress Frederick*, published in 1913. Another contains the Crown Prince's journal of his visit to Palestine in 1869, where he was moved by religious feeling rather than impressed by political possibilities, as Prince Hohenlohe had been a decade earlier. For the rest, there are various judgments of Bismarck and a discussion of the immediate responsibility for the War of 1914. Such material has no place in a life of Frederick III., however much it may set off his noble character against the sinister figures of Bismarck and William II. Indeed, even in the text, M. Welschinger has allowed rather too much of the propagandist spirit to creep in, and it is to be regretted that he did not confine himself to the proper function of a biographer. A short bibliography is appended, and there is an index of proper names.

BERNADOTTE E. SCHMITT.

A Guide to Diplomatic Practice. By the Rt. Hon. Sir ERNEST SATOW, G.C.M.G., LL.D., D.C.L. In two volumes. [Contributions to International Law and Diplomacy, edited by L. Oppenheim, M.A., LL.D.] (London and New York: Longmans, Green, and Company. 1917. Pp. ix, 405; xxi, 407. \$9.00.)

THE author of the present work has had a long and honorable career in the public service. Setting out as a student-interpreter in Japan, in 1861, he eventually came to occupy, after holding various posts in other parts of the world, the position of envoy extraordinary and minister plenipotentiary at Tokio, and later served in a similar capacity at Peking. From 1906, when he was sworn a privy councillor, till 1912 he was one of the British members of the permanent court of arbitration at the Hague. Meanwhile, in 1907, he acted as a British plenipotentiary at the Second Peace Conference at that capital. In treating of diplomatic practice, he therefore enjoys the advantage of writing on a subject on which his experience has made him an authority. The practical diplo-

matist, however, seldom has occasion to study his profession systematically from the historical and scientific point of view, and the results are of special interest when he undertakes such a task.

The volumes before us contain a copious collection of pertinent matter, interspersed with judicious and helpful comments. In the opening sections, however, the distinction is not made so clear as it perhaps might have been between diplomacy and diplomatics, nor is mention made of Dom Mabillon's epochal treatise on the latter subject, *De Re Diplomatica* (1681), the sumptuous third edition of which, published at Naples in 1789, is now before me. Moreover, general conclusions are sometimes expressed in terms which associate them with a particular form of government—the parliamentary form—more strictly than may have been intended. When the author deprecates (I. 141) direct exchanges between the heads of states, without the knowledge and concurrence of the minister of foreign affairs, as likely to result in misunderstandings, possibly he expresses a view universally valid; but when he says that this “cannot occur . . . in a constitutional state”, and condemns the practice of carrying on secret diplomacy “behind the back of the responsible minister”, he is evidently thinking of parliamentary governments, just as he is when he affirms that the proper person to blame for a weak or unintelligent diplomacy is “the Secretary of State, or Minister for Foreign Affairs”. He adds that “sometimes, in autocratic governments, the responsibility lies on the sovereign”. Whether he would class a government as autocratic merely because it was, like the United States, non-parliamentary in form, does not appear. Probably he would not do so; and when, further on (I. 9), in speaking of the United States, he remarks that “the authority of the President predominates in foreign affairs (as in all other matters)”, it is not to be assumed that he was thinking exclusively of the form or contents of the Constitution.

In at least one instance he attributes to the word “sovereign” an importance which it does not possess. After stating that a “sovereign”, when travelling abroad, is exempt from the local jurisdiction, he observes that “nothing seems to have been decided as to the position of the President of a Republic, when in the territories of another State”; but he intimates that “no head of a republic would expose himself to the risk of being refused the immunities accorded to a sovereign”, and that, when a president visits a foreign state, “he either expects to receive, or has been promised beforehand, treatment in all respects the same as that of a sovereign”. This is all very strange, and it would indeed be remarkable to find a case in which the president of a republic had stipulated beforehand for the extraterritoriality which a “sovereign” confessedly enjoys. In reality the question whether the chief executive is a “sovereign” or a president is in this respect quite immaterial. It is not by reason of the fact that he is the one or the other that he enjoys the immunity; it is solely by reason of the fact that he is the head of a sovereign state.

In the treatment of some subjects, such as that of presents to diplomatic officers (I. 356-363), and the termination of missions (I. 365-407), where even a simple chronological development would have been helpful, there are indications that the author lacked full opportunity for the analysis and scientific arrangement of his materials. The same thing is true of his discussion of mediation and good offices (II. 289 *et seq.*). The author, after expressing the opinion that the two processes are "essentially distinct in character", and referring to the Hague convention for the pacific settlement of international disputes, which, as he correctly observes, makes no distinction between them, quotes, on the one hand, Pearce Higgins, who regards the difference as "more theoretical than practical", and, on the other hand, Oppenheim, who undertakes to make the distinction that a power, when using "good offices", "does not itself take part in the negotiations", whereas a mediator "is the middleman who does take part in the negotiations". In reality, it would hardly be useful to espouse either view, nor would the authorities cited wholly sustain either of them, in the terms in which they are here respectively set forth. The highest authorities often apply first the one title and then the other indiscriminately to the same proceeding, and it will hardly do to say that they are wrong, since the best usage has not strictly reserved either title for a single definite and distinctive form of procedure. The most one can say is that it would be desirable to make certain precise distinctions, and then to adhere to them. "Mediation" has no doubt been used to denote certain formal procedures which "good offices" would not properly describe: *e. g.*, the procedure formerly common, of conducting negotiations, as at Münster and elsewhere, indirectly through "mediators", instead of directly between the plenipotentiaries; also, the formal submission of a point in dispute to a third party, who, because he is invested with power only to make a recommendation, and not to render a final decision, acts, not as an arbitrator, but as a "mediator", one of the most striking modern examples of such submission, which the author does not mention, being that of the dispute between Germany and Spain as to the Caroline Islands to His Holiness the pope. On the other hand, the inadmissibility of the test that the power using good offices "does not itself take part in the negotiations" is at once demonstrated by the universal and approved application of the term to the care of the interests of the citizens of a country which has no diplomatic or consular representative on the spot. In this common instance, the function of the power using its "good offices" is precisely that of conducting the negotiations. Moreover, mediation is confused with a radically different process, when (II. 358) "arbitration" is said to be "essentially" the conferring upon a "mediator", instead of "a commission to negotiate terms of settlement", the "more extended power of pronouncing a judgment". The fact that an arbitration might follow or even result from a mediation would not make the

one process a part of or an extension of the other; and in reality they are rarely connected, although in the Dogger Bank case they were combined without being confused. Nor does the history of arbitration bear out the statement that it will "on the whole" be employed only "where the subject-matter . . . is of comparative unimportance". The presence or absence of a desire for an amicable settlement is, however, as the author observes, a factor of great moment.

In several instances reliance upon secondary sources has resulted in the perpetuation of erroneous impressions. The author (I. 272) correctly invokes the authority of Calvo for the statement that the United States once asked for the recall of the Dutch minister because he refused to appear and submit himself to cross-examination as a witness in a criminal case, even though in so refusing he followed the instructions of his government. Whence Calvo derived this singular impression does not appear, since his citations refute it. Likewise, the statement, for which American authority is adduced (I. 196), that the United States "adheres to its ancient rule" in declining to inquire in advance as to the personal acceptability of diplomatic representatives below the grade of ambassador, is not in accord with existing practice, it having for some years past been the rule also to make such inquiries in regard to appointees below that grade. That Anson Burlingame did not come to the United States as a "special ambassador" (I. 198) is shown by his description, in the treaty which he signed at Washington, as envoy extraordinary and minister plenipotentiary. The supposition (I. 334) that the note of Mr. Fish to Baron Gerolt, to which Bismarck replied on January 15, 1871, regarding the delivery of despatch bags during the siege of Paris, "has not been printed", seems to have occasioned a surmise that it was withheld because its contentions were abandoned; the note was, however, dated, not "a month before", but on November 21, 1870, and was printed in *Foreign Relations*, 1871 (p. 401). The account of Lord Sackville's case (I. 386) is quite accurate; but in estimating the comment, quoted from an unfriendly American source (I. 388), upon Mr. Bayard's "unseemly haste", we may, while admitting that Sackville's prompt dismissal presupposed a weakness in the electorate fully as deplorable as his lordship's inept letter, bear in mind that responsibility for the decision may have rested quite as much with the President as with the Secretary of State; that the President could hardly have been unacquainted with the prevalent belief that Blaine's defeat four years before was due to his failure immediately to rebuke Burchard's unfortunate alliteration; and that, if agitated voters could be convinced and held only by the minister's dismissal, it had to precede the election. As the same President on another occasion remarked, it was "a condition not a theory" that confronted him. That the condition might have been adequately met by a public appeal to common sense is a supposition which experts will not unanimously indulge.

It is our impression that the French noun *national*, now so generally used in diplomatic correspondence (I. 167), is potentially more comprehensive than the English words "subject or citizen"; and the view based upon the authority of some writers, that the right of embassy "is a matter of *comity*, and not of *strict right*" (I. 180), may be open to interpretation. From the statement (I. 106) that, "before the signature of a treaty", it is "the rule that the full powers of the plenipotentiaries must be exhibited for the purpose of verification", the inference doubtless was not intended to be drawn that the examination is usually deferred till the treaty is ready to be signed; since on important occasions, and particularly in the case of special plenipotentiaries, the preliminary examination of the full powers is only a prudent precaution, as is shown by notable examples in recent as well as in earlier years. Those who may be disposed superficially to jeer or to "chortle" at Jefferson's rule of *pêle-mêle* as an attempt to carry democracy to excess may do well to note (I. 19, 237; II. 35, 43, 70, 71, 79) the frequency with which that rule was adopted by monarchical governments, as little chargeable with popular proclivities as was that of Louis XV. In narrating former disputes as to precedence (I. 20-21) the fact might have been noted that the action of Pombal in establishing a new rule at Lisbon was recited in France's declaration of war against Portugal in 1762. It hardly speaks well for the progressive purification of diplomacy that the author reaches the conclusion that "the law of nations is not concerned with bribery"; that it is "a question of morality alone"; and that, "since every government provides itself with a secret service fund, it is evident that the practice of purchasing secret information is more or less universal". Whether those who inveigh against "secret diplomacy" will feel reassured by this intimation, will depend upon their point of view.

The reviewer, vividly recalling the circumstance that, at the first civil service examination for admission to the Department of State, at Washington, the candidates, of whom he happened to be one, were asked to state the number of square miles in France, regrets that the commissioners of that day could not have had the benefit of the author's opinion (I. 184) that, in the education of a diplomatist, "geography, beyond elementary notions, is not of great value", and that he "will acquire what geographical knowledge he needs of the country to which he is appointed while residing at his post". Although opinions may differ as to what the "elementary notions" of geography may embrace, the reviewer is confident that the phrase was not intended to include the superficial area of the various countries of the world; and in this belief he is glad to acknowledge, with fraternal warmth and gratitude, the retrospective consolation which he derives from the author's view.

J. B. MOORE